# Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

## DECISION

Dispute Codes:     ERP MNDC OLC RP RR

Introduction

The tenant applied under the *Residential Tenancy Act* (the "*Act*") for an order for emergency repairs for health or safety reasons related to having "no heat" in the rental unit, for an order related to regular repairs to the unit, site or property, for an order directing the landlord to comply with the *Act,* regulation or tenancy agreement, for a monetary order in the amount of $402.08 for money owed or compensation for damage or loss under the *Act,* regulation or tenancy agreement, and for a rent reduction for repairs, services or facilities agreed upon but not provided.

The tenant and an agent for the landlord (the "agent") attended the teleconference hearing. At the start of the hearing I introduced myself and the participants and parties were given an opportunity to ask questions. The parties were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony evidence and to make submissions to me.

Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure (the "Rules of Procedure") authorizes me to dismiss unrelated disputes contained in a single application.  In this circumstance the tenant indicated more than one matter of dispute on the Application for Dispute Resolution, the most urgent of which is the tenant's request for emergency repairs related to having "no heat" in the rental unit and for which the tenant was granted an expedited hearing. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during this proceeding.  I will, therefore, only consider the tenant's request for emergency repairs at this proceeding.  The balance of the tenant's application which includes a monetary claim for $402.08 is dismissed, **with leave to re-apply.**

Issue to be Decided

- Has the tenant provided sufficient evidence that emergency repairs to the rental unit are necessary under the *Act?*

Background and Evidence

At the outset of the hearing, the tenant affirmed that since filing this Application for Dispute Resolution the tenant decided to accept the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property and has vacated the rental unit. As a result, I find there was no need to consider any additional evidence related to the tenant's application related to emergency repairs as this matter is now moot as the tenancy has ended,

The parties were advised that the tenant was granted an expedited hearing based on the tenant's request for emergency repairs. As the tenancy has ended by way of the tenant deciding vacate the rental unit this matter related to the request by the tenant for emergency repairs are concluded.

Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I dismiss the tenant's application for emergency repairs as the tenancy has ended and the matter is now moot.

As noted above, the remainder of the tenant's claim which was severed pursuant to Rule 2.3 of the Rules of Procedure is **dismissed with leave to reapply.**

Conclusion

The tenant's application is dismissed as it is now moot given that the tenant vacated the rental unit and the tenancy has ended as a result.

As indicated above, the monetary claim for compensation portion of the tenant's application that was severed in accordance with Rule 2.3 of the Rules of Procedure is dismissed with leave to reapply.

This decision does not extend any applicable timelines under the *Act.*

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act.*

Dated: January 19, 2017

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Residential Tenancy Branch